

REMARKS**I. General**

Claims 1-48 are pending, and all are rejected by the current Office Action. Claims 2, 6, 8, 9, 11, 12, 16, 17, 23, 24, 28, 30, 31, 33, 34, 40, 42, 44, and 45 are amended by this amendment. The outstanding issues in the Office Action are as follows:

- Claims 8, 9, 30, 31, 44, and 45 are objected to.
- Claims 1-16, 18-23, 33, and 35-38 are rejected under 35 U.S.C. §112, Second Paragraph.
- Claims 17 and 34 are rejected under 35 U.S.C. §102 as being anticipated by PCT Printed Application WO 99/31811 (hereinafter, *Knutson*).
- Claims 1-4, 10-16, 46, and 48 are rejected under 35 U.S.C. §103 as being obvious over PCT Printed Application WO 99/34541 (hereinafter, *Beveridge*) in view of *Knutson*.
- Claim 5 is rejected under 35 U.S.C. §103 as being obvious over *Beveridge* in view of *Knutson* in further view of U.S. Patent no. 5,920,233 (hereinafter, *Denny*).
- Claims 6-9 are rejected under 35 U.S.C. §103 as being obvious over *Beveridge* in view of *Knutson* in further view of U.S. Patent no. 5,847,612 (hereinafter, *Birleson*).
- Claim 47 is rejected under 35 U.S.C. §103 as being obvious over *Beveridge* in view of *Knutson* in further view of U.S. Patent no. 6,272,209 (hereinafter, *Bridger*).
- Claims 17-19, 21-26, 32-36, and 38-40 are rejected under 35 U.S.C. §103 as being obvious over U.S. Patent no. 6,546,016 (hereinafter, *Gerszberg*) in view of *Knutson*.

- Claims 20 and 37 are rejected under 35 U.S.C. §103 as being obvious over *Gerszberg* in view of *Knutson* in further view of *Bridger*.
- Claims 27 and 41 are rejected under 35 U.S.C. §103 as being obvious over *Gerszberg* in view of *Knutson* in further view of *Denny*.
- Claims 28-31 and 42-45 are rejected under 35 U.S.C. §103 as being obvious over *Gerszberg* in view of *Knutson* in further view of *Birleson*.

Applicant respectfully requests withdrawal of the outstanding objections and rejections in light of the arguments and amendments herein.

II. General Amendments

Claims 2, 17, 24, 34, and 40 have been amended to change “frame rate” to “frame period” in order to clarify the subject matter of those claims. Support may be found, at least, at page 8, line 21 of the specification. Thus, no new matter is added. Because rates have corresponding periods, it is believed that these amendments do not narrow the scope of those claims, nor are these amendments in response to any art.

Claim 28 is amended to depend from claim 27, as well as to more closely track the language thereof, to provide antecedent basis. Support may be found, at least, at original claim 27. Accordingly, no new matter is added. This amendment is not in response to any art.

Claim 42 is amended to correctly depend from claim 41 and to change “reference frequencies” to “reference frequency signals” to provide proper antecedent basis and to more closely track the language of claim 41. Support may be found, at least, at original claim 41. Thus, no new matter is added. This amendment is not in response to any cited art.

III. Claim Objections

On page 2 of the Office Action, claims 8, 9, 30, 31, 44, and 45 are objected to for alleged informalities. Specifically, the Office Action objects use of the phrase, “said loop bandwidth” instead of “said wide loop bandwidth.” Without conceding that such wording is informal, Applicant has amended those claims to comply with the request.

For these amendments, support may be found, at least, at original claims 7, 29, and 43. Accordingly, no new matter is added. Because claims 8 and 9 depend from claim 7, and because claim 7 recites, “wide loop bandwidth,” this amendment does not narrow the scope of claims 8 and 9, nor is the amendment in response to any art. Because claims 30 and 31 depend from claim 29, and because claim 29 recites, “wide loop bandwidth,” this amendment does not narrow the scope of claims 30 and 31, nor is the amendment in response to any art. Because claims 44 and 45 depend from claim 43, and because claim 43 recites, “wide loop bandwidth,” this amendment does not narrow the scope of claims 44 and 45, nor is the amendment in response to any art.

Accordingly, removal of the objection to claims 8, 9, 30, 31, 44, and 45 is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. §112

On page 2 of the Office Action, claims 1-16, 18-23, 33, and 35-38 are rejected under 35 U.S.C. §112, Second Paragraph for failure to particularly point out and distinctly claim the subject matter regarded as the invention.

Claim 1 is rejected for use of the phrase, “wherein said tuner has an acquisition time of less than half of said frame rate.” Applicant has amended the phrase to read, “wherein said tuner has an acquisition time of less than half of said frame period” and has amended claim 1, in line 5, to add “and a corresponding frame period” to provide that phrase with antecedent basis. Support may be found, at least, at page 8, line 21 of the specification. Therefore, no new matter is added. Further, because rates have corresponding periods, this amendment does not narrow the scope of this claim, nor is this amendment in response to any art. Applicant respectfully submits that claim 1, as amended, is definite. Claims 2-16 are rejected for depending on claim 1 under the same reasoning. Because claim 1 is definite, as amended, it is respectfully asserted that dependent claims 2-16 are also definite. Accordingly, removal of the 35 U.S.C. §112 rejection of claims 1-16 is requested.

Claim 6 is rejected for lack of antecedent basis, specifically, for use of the phrase, “said tuner’s local oscillator reference frequencies.” Claim 6 has been amended to depend from claim 5 and to change “frequency” to “frequency signals” to more clearly track the language of claim 5. Support may be found, at least, at original claim 5. Accordingly, no

new matter is added. This amendment is not in response to any art. Applicant respectfully submits that claim 6 is definite, as amended, and therefore, requests removal of the 35 U.S.C. §112 rejection of claim 6.

Claims 10 and 22 are rejected for reciting that TDM is TDMA. The Office Action asserts that TDMA is a wireless protocol, and therefore, is for wireless use only. Because TDMA is a wireless protocol does not mean that it cannot be implemented on other than a wireless network. TDMA is a way of performing communication in a point-to-multipoint system, and its implementation is not dependent upon an application being wireless. Therefore, Applicant asserts that the phrase, "wherein said TDM is time division multiple access (TDMA)," as recited by claims 10 and 22 meets the threshold requirements of clarity and precision, as set forth in 35 U.S.C. §112, Second Paragraph and M.P.E.P. §2173.02.

Claims 11 and 23 are rejected for use of the phrase, "wherein said TDM RF signal is further multiplexed with code division multiple access (CDMA)." Without conceding that the original wording in claims 11 and 23 is imprecise, Applicant has amended those claims to recite, "wherein said TDM RF signal is further multiplexed using code division multiple access (CDMA)." Support for these amendments may be found, at least, at page 14, lines 4-8. Therefore, no new matter is added. Further, this amendment is not meant to narrow the scope of the claims, nor is it in response to any art. Applicant respectfully submits that claims 11 and 23 are definite, and therefore, requests removal of the 35 U.S.C. §112 rejection of those claims.

Claim 12 is rejected for use of the phrase, "said tuner's components." Specifically, the Office Action alleges that that phrase lacks antecedent basis. Applicant has amended claim 12 to provide antecedent basis, and respectfully submits that claim 12 is allowable. Support may be found, at least, at original claim 12 and page 10, lines 15-20 of the specification. Therefore, no new matter is added. Further, the amendment is not in response to any art, and it is believed that such limitation was implied in the original claim such that the amendment does not narrow the scope of the claim. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claim 12.

Claims 16 and 33 are rejected for lack of clarity. Without conceding that the claims as originally presented were indefinite, Applicant has amended claims 16 and 33 to increase

the clarity thereof. Applicant respectfully submits that claims 16 and 33 are allowable. Support may be found, at least, at page 13, line 19 through page 14, line 19. Therefore, no new matter is added. This amendment is not meant to narrow the scope of the claims, nor is it in response to any art. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claims 16 and 33.

Claims 18 and 35 are rejected for use of the phrase, “wherein said TDM RF signal is received during a loss of power from an external source.” The Office Action states that it is unclear how the signal can be received if there is no power going to the receiver. The Examiner misunderstands the wording of these two claims. Claims 18 and 35 do not recite that power is lost from all power sources, just that there is a loss of power from an external power source. Further, M.P.E.P. §2173.02 says that the definiteness of claim language must be analyzed in light of, among other things, the application disclosure. Applicant respectfully invites the Examiner to read page 4, line 24 through page 5, line 1, which describes one of the various embodiments that may employ the feature claimed in claims 18 and 35. Applicant asserts that the language of claims 18 and 35 is clear, particularly when read in light of that passage. Thus, claims 18 and 35 are allowable. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claims 18 and 35.

Claims 19-21 and 36-38 are rejected solely for depending on claims 18 and 35, respectively. As shown above, claims 18 and 35 are definite, and Applicant respectfully submits that claims 19-21 and 36-38 are also definite, at least for those reasons. Therefore, Applicant respectfully requests removal of the 35 U.S.C. §112 rejection of claims 19-21 and 36-38.

V. Claims Rejections Under 35 U.S.C. §102

On pages 3-4 of the Office Action, claims 17 and 34 are rejected under 35 U.S.C. §102(a) as being anticipated by *Knutson*.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Claim 17 recites, in part, “receiving a time division multiplexed (TDM) RF cable signal from a cable input.” Applicant respectfully asserts that *Knutson* does not teach, at least, the above-quoted feature of claim 17. *Knutson* teaches only a wireless telephone system, which does not employ an RF cable signal nor a cable input. See Abstract. Nowhere in the reference is an RF cable signal mentioned or taught, and the assertion that *Knutson* teaches such a cable signal or a cable input is without support. Thus, *Knutson* does not teach every element of claim 17. Because *Knutson* does not teach every element of claim 17, Applicant respectfully asserts that claim 17 is patentable over *Knutson*, and respectfully requests removal of the 35 U.S.C. §102(a) rejection of claim 17.

Claim 34 recites, in part, “means for receiving a time division multiplexed (TDM) RF cable signal from a cable input.” Applicant respectfully asserts that *Knutson* does not teach, at least, the above-quoted feature of claim 34. *Knutson* teaches a wireless telephone system, and does not teach an “RF cable signal from a cable input,”(emphasis added) as recited by claim 34. See Abstract. Thus, *Knutson* does not teach every element of claim 34. Accordingly, Applicant respectfully asserts that claim 34 is patentable over *Knutson*, and respectfully requests removal of the 35 U.S.C. §102(a) rejection of claim 34.

VI. Claims Rejections Under 35 U.S.C. §103

A. Rejections over *Beveridge* in view of *Knutson*

On page 5 of the Office Action, Claims 1-4, 10-16, 46, and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Beveridge* in view of *Knutson*. Claims 15 and 16 are canceled.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the second criterion, Applicant respectfully asserts that the rejection does not satisfy the first or third criteria, as discussed further below.

1. Lack of Motivation to Combine

The combination of *Beveridge* and *Knutson* is improper, as there is a lack of motivation to combine those references. Specifically, the system described in *Beveridge* supplies cable TV signals (see FIGURE 1), and to modify the system of *Beveridge* to implement TDMA communications of *Knutson*, as suggested by the Examiner, would require substantial unsuggested modification. For example, transceivers, network interface units, and other communication system infrastructure would require modification in order to accommodate TDMA protocols, which modifications remain unaddressed by the statement of motivation provided in the Office Action. Applicant can identify no disclosure in *Beveridge* or *Knutson* teaching or suggesting how the TDMA communications of *Knutson* may be implemented in the system of *Beveridge*.

“A person of ordinary skill in the art is also presumed to be one who thinks along the line of conventional wisdom in the art and is not one who undertakes to innovate, whether by patient, and often expensive, systematic research or by extraordinary insights,” Standard Oil Co. v. American Cyanamid Co., 227 U.S.P.Q. 293, 298 (Fed. Cir. 1985). Applicant respectfully asserts that one of ordinary skill in the art would not have been led to make the unsuggested modifications to *Beveridge* in order to implement TDMA communications of *Knutson*. Thus, proper motivation for combining the references and establishing an obviousness rejection under 35 U.S.C. § 103 has not been established.

2. Failure to Teach or Suggest All Claim Limitations

Claim 1 recites, in part, “wherein said tuner has an acquisition time of less than half of said frame period.” The combination of *Beveridge* and *Knutson* does not teach or suggest, at least, the above-quoted feature of claim 1. *Knutson* teaches a wireless telephone system, but does not teach or suggest the above-quoted feature of claim 1, at least, because *Knutson* does not disclose an acquisition time. See, for example, the paragraph spanning pages 3-4, wherein *Knutson* teaches that each handset is on only during its own time slot. By this statement, *Knutson* clearly fails to teach or suggest the acquisition time of any tuner in any one of the handsets because it fails to disclose (or even to take into account) acquisition time in the on/off switching. The Office Action acknowledges at page 5 that *Beveridge* does not teach or suggest the above-quoted feature of claim 1. Therefore, the combination of *Knutson* and *Beveridge* does not teach or suggest every claim limitation of claim 1. Because a

combination of *Knutson* and *Beveridge* fails to teach or suggest all limitations of claim 1, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 1.

Claim 46 recites, in part, “processing said CW RF signal with an RF tuner,” and “receiving a TDM RF telephony signal in place of said CW RF signal.” *Beveridge* does not teach or suggest the above-quoted feature of claim 46, at least, because *Beveridge* focuses on AC and DC power supply issues and does not teach or suggest the desirability of either a TDM RF signal or a CW RF signal. On page 9 of the Office Action, the Examiner acknowledges that *Beveridge* does not teach or suggest the feature. The Office Action points to *Knutson* as teaching the feature because *Knutson* teaches a system utilizing TDMA protocol. Even if the Examiner’s allegation that *Knutson* teaches using TDMA protocol is true, that teaching added to the teaching of *Beveridge* does not teach or suggest “processing said CW RF signal with an RF tuner,” and “receiving a TDM RF telephony signal *in place of* said CW RF signal,” (emphasis added) as claim 46 recites. The combination proposed by the Office Action simply replaces a CW RF signal with a TDM signal, but never receives “a TDM RF telephony signal *in place of* said CW RF signal.” Neither reference teaches or suggests receiving one signal in place of another, much less a TDM RF telephony signal in place of a CW RF signal. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claimed limitations of claim 46. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 46. Because a combination of *Knutson* and *Beveridge* suffers from a lack of motivation to combine and no reasonable expectation of success and fails to teach or suggest all limitations of claim 46, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 46.

3. Dependent Claims

Dependent claims 2-4, 10-16, and 48 each depend either directly or indirectly from respective independent claims 1 and 46 and, thus, inherit all of the limitations of those respective independent claims. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claims 2-4, 10-16, and 48. Further, the combination of *Knutson* and *Beveridge* is improper. It is respectfully submitted that dependent claims 2-4, 10-16, and 48 are allowable at least because of their dependence from claim 1 and 46 for the reasons discussed above.

B. Rejections over *Beveridge* in view of *Knutson* in further view of *Denny*

On page 10 of the Office Action, claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over *Beveridge* in view of *Knutson* in further view of *Denny*. Dependent claim 5 depends directly from independent claim 1 and, thus, inherits all of the limitations of claim 1, as amended. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claim 5. *Denny* does not teach or suggest the features of claim 1 that are missing from *Knutson* and *Beveridge*, nor is it alleged that *Denny* teaches or suggests the feature. It is respectfully submitted that dependent claim 5 is allowable at least because of its dependence from claim 1 for the reasons discussed above. Further, as argued above, there is a lack of motivation to combine *Knutson* and *Beveridge* and a lack of reasonable expectation of success. *Denny* does not cure the deficiency. Thus, the combination of *Knutson*, *Beveridge*, and *Denny* is improper. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 5.

C. Rejections over *Beveridge* in view of *Knutson* in further view of *Birleson*

On page 11 of the Office Action, claims 6-9 are rejected under 35 U.S.C. §103(a) as being obvious over *Beveridge* in view of *Knutson* in further view of *Birleson*. Dependent claims 6-9 depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of claim 1. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claims 6-9. *Birleson* is not asserted by the Examiner to teach or suggest the features of claim 1 that are missing from *Knutson* and *Beveridge*. It is respectfully submitted that dependent claims 6-9 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Further, as argued above, there is a lack of motivation to combine *Knutson* and *Beveridge* and a lack of reasonable expectation of success. *Birleson* does not cure the deficiency. Thus, the combination of *Knutson*, *Beveridge*, and *Birleson* is improper. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 6-9.

D. Rejections over *Beveridge* in view of *Knutson* in further view of *Bridger*

On pages 11-12 of the Office Action, claim 47 is rejected under 35 U.S.C. §103(a) as being obvious over *Beveridge* in view of *Knutson* in further view of *Bridger*. Dependent claim 47 depends directly from independent claim 46 and, thus, inherits all of the limitations

of claim 46. Thus, the combination of *Knutson* and *Beveridge* does not teach or suggest all claim limitations of claim 47. *Bridger* does not teach or suggest the features of claim 46 that are missing from *Knutson* and *Beveridge*, nor is it alleged that *Bridger* teaches the features. It is respectfully submitted that dependent claim 47 is allowable at least because of its dependence from claim 46 for the reasons discussed above. Further, as argued above, there is a lack of motivation to combine *Knutson* and *Beveridge* and a lack of reasonable expectation of success. *Bridger* does not cure the deficiency. Thus, the combination of *Knutson*, *Beveridge*, and *Bridger* is improper. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 47.

E. Rejections over *Gerszberg* in view of *Knutson*

On pages 12 and 13 of the Office Action, claims 17-19, 21-26, 32-36, and 38-40 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson*.

Claim 17 recites, in part, “pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and “pulsing off said tuner for substantially the remainder of time in each of said frames.” The combination of *Gerszberg* and *Knutson* does not teach or suggest, at least, the above-quoted feature of claim 17. While Col. 32, lines 18-54 of *Gerszberg* teaches an NIU that has a duty cycle of 50% while it waits for a component to address it, *Gerszberg* does address the issue of acquisition time, and thus does not teach a fast acquisition time tuner. Additionally, the Office Action admits that *Gerszberg* does not teach TDMA, so an assertion that *Gerszberg* teaches or suggests “pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and “pulsing off said tuner for substantially the remainder of time in each of said frames,” is improper, as a system that does not use TDM will not use slots and frames. The Office Action uses hindsight to create a system out of the words in claim 17. *Knutson* also does not teach or suggest a fast acquisition time tuner, because it fails to address acquisition time at all. Thus, the combination of *Gerszberg* and *Knutson* does not teach or suggest all limitations of claim 17. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 17.

Claim 34 recites, in part, “means for pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” “means for pulsing off said tuner for substantially the remainder of time in each of said frames.” Applicants respectfully submit that the

combination of *Gerszberg* and *Knutson* does not teach or suggest, at least, the above-quoted feature of claim 34. As explained above with regard to claim 17, *Gerszberg* fails to teach or suggest, “pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” and “pulsing off said tuner for substantially the remainder of time in each of said frames.” Similarly, as explained above with regard to claim 17, *Knutson* also fails to teach or suggest that feature. Accordingly, the combination of *Gerszberg* and *Knutson* fails to teach or suggest “means for pulsing on a fast acquisition time tuner for an allocated time slot in each of said frames,” “means for pulsing off said tuner for substantially the remainder of time in each of said frames.” Therefore, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claim 17.

Dependent claims 18, 19, 21-26, 32, 33, 25, 36, and 38-40 each depend either directly or indirectly from respective independent claims 17 and 34 and, thus, inherit all of the limitations of those respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 18, 19, 21-26, 32, 33, 25, 36, and 38-40. It is respectfully submitted that dependent claims 18, 19, 21-26, 32, 33, 25, 36, and 38-40 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above.

F. Rejections over *Gerszberg* in view of *Knutson* in further view of *Bridger*

On pages 15-16 of the Office Action, claims 20 and 37 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson* in further view of *Bridger*. Dependent claims 20 and 37 depend from respective independent claims 17 and 34 and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 20 and 37. *Bridger* does not teach or suggest the feature of claims 17 and 34 that is missing from *Knutson* and *Gerszberg*, nor is it alleged that *Bridger* teaches or suggests the feature. It is respectfully submitted that dependent claims 20 and 37 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 20 and 37.

G. Rejections over *Gerszberg* in view of *Knutson* in further view of *Denny*

On pages 16-17 of the Office Action, claims 27 and 41 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson* in further view of *Denny*. Dependent claims 27 and 41 depend from respective independent claims 17 and 34 and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 27 and 41. *Denny* does not teach or suggest the feature of claims 17 and 34 that is missing from *Knutson* and *Gerszberg*, nor is it alleged that *Denny* teaches or suggests the feature. It is respectfully submitted that dependent claims 27 and 41 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 27 and 41.

H. Rejections over *Gerszberg* in view of *Knutson* in further view of *Birleson*

On page 17 of the Office Action, claims 28-31 and 42-45 are rejected under 35 U.S.C. §103(a) as being obvious over *Gerszberg* in view of *Knutson* in further view of *Birleson*. Dependent claims 28-31 and 42-45 depend from respective independent claims 17 and 34, and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *Knutson* and *Gerszberg* does not teach or suggest all claim limitations of claims 28-31 and 42-45. *Birleson* does not teach or suggest the feature of claims 17 and 34 that is missing from *Knutson* and *Gerszberg*, nor is it alleged that *Birleson* teaches or suggests the feature. It is respectfully submitted that dependent claims 28-31 and 42-45 are allowable at least because of their dependence from claims 17 and 34 for the reasons discussed above. Accordingly, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 28-31 and 42-45.

VII. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.


Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P020US/09905259 from which the undersigned is authorized to draw.

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Respectfully submitted,

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